

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

PROVIDENCE PROPERTY & §
CASUALTY INSURANCE COMPANY, §
Plaintiff and Counter-Defendant, §

v. §

Case No. 4:06-cv-285

PEOPLELEASE CORPORATION §
and PLC SERVICES, INC., §
Defendants and Counter-Plaintiffs, §

v. §

PROVIDENCE HOLDINGS, INC., and §
IMPERIAL CASUALTY & INDEMNITY §
INSURANCE COMPANY, §
Additional Counter-Defendants. §

**ORDER DENYING PEOPLELEASE CORPORATION AND PLC SERVICES, INC.'S
MOTION FOR RECONSIDERATION**

Before the court are the following:

1. PeopLease Corporation and PLC Services, Inc.'s Motion for Reconsideration and Objection to the Magistrate Judge's Order on Their Emergency Motion for Amendment of the Scheduling Order and Request for Discovery Conference (de # 99);
2. Providence's Response to Defendants' Motion for Reconsideration and Objection to Magistrate Judge's Order (de # 104);
3. PeopLease Corporation and PLC Services, Inc.'s Reply to Providence's Response to Defendants' Motion for Reconsideration and Objection to Magistrate Judge's Order (de # 110); and

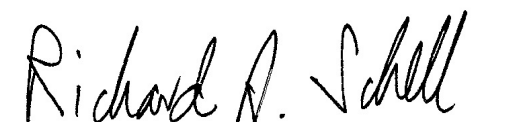
4. Providence's Surreply to PeopLease Corporation and PLC Services, Inc.'s Reply to Providence's Response to Defendants' Motion for Reconsideration and Objection to Magistrate Judge's Order (de # 119).

Having considered the Defendants' Motion and the briefing responsive thereto, the court is of the opinion that the Motion should be DENIED.

On September 7, 2007, the Defendants filed a motion with Judge Bush seeking an extension of certain deadlines in the Scheduling Order in this case in order to supplement the expert report of Olie Jolstad (de # 91). On September 14, 2007, Judge Bush denied the Motion in part and granted the Motion in part (de # 95). On September 27, 2007, the Defendants filed this Motion for Reconsideration. The court finds Judge Bush's order not to be "clearly erroneous or contrary to law." FED. R. CIV. P. 72(a). The "supplementations" proffered by Jolstad are in fact much more. The two reports tendered after the expert deadline of June 14, 2007 are based on new theories and methodologies. Allowing PeopLease and PLC Services to supplement Olstad's report in the manner attempted would essentially work to eviscerate the deadline for designating experts. The duty to supplement created by Rule 26(e) does not empower a party to circumvent court-ordered deadlines. *Sierra Club v. Cedar Point Oil Club Co., Inc.*, 73 F.3d 546, 571 (5th Cir. 1996) ("The purpose of rebuttal and supplementary disclosures is just that--to rebut and to supplement. These disclosures are not intended to provide an extension of the deadline by which a party must deliver the lion's share of its expert information."). Jolstad's latter two reports would do just that. Therefore, the Defendants' Motion should be, and hereby is, DENIED.

IT IS SO ORDERED.

SIGNED this the 13th day of November, 2007.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE